

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL NO. 3:02-CV-101-W

GRECON DIMTER, INC.,)	
)	
Plaintiff/Counter-Defendant,)	
)	
vs.)	ORDER
)	
HORNER FLOORING CO., INC.,)	
)	
Defendant/Counter-Plaintiff.)	
)	

THIS MATTER comes now before the Court *sua sponte* for pretrial scheduling purposes.

A final pretrial conference shall be held at **3:00 p.m. on 22 December 2006**, in Courtroom #1 of the Charles R. Jonas Federal Building in Charlotte, North Carolina. Trial shall be by the Court during the Court's civil term commencing **22 January 2007**, at which this matter has been assigned a preemptory setting.

The Court will require the following pretrial submissions to be **jointly** drafted and submitted to chambers at least one week prior to the final pretrial conference (i.e., on or before **15 December 2006**):

1. Pursuant to Fed. R. Civ. P. 16(e), a proposed pretrial order containing:
 - A joint statement of the case;
 - Stipulations as to all issues of law or fact to which the parties can agree for purposes of streamlining trial;
 - A brief synopsis of the legal or factual contentions about which the parties have been unable to stipulate;

- A list of exhibits that each party may offer at trial (except those offered solely for impeachment or cross-examination), numbered sequentially; a brief description of the exhibit and the purpose for which it will be offered; any stipulations as to authenticity or admissibility; and the basis for any objections;
- Designations by volume, line, and page of all portions of pleadings and discovery materials, including depositions, interrogatories, and requests for admission, that each party may offer at trial (except those offered solely for impeachment or cross-examination); cross-designations; a brief description of the substance of the designation and the purpose for which it will be offered; and the basis for any objections;
- A list of the names and addresses of all witnesses each party may offer at trial, together with a brief statement of what counsel proposes to establish by their testimony; and
- A statement of the qualifications of any expert witness a party may offer at trial, unless the parties have stipulated to the qualifications of the expert witness as provided above.

2. A copy (no originals) of all proffered exhibits (including designated portions of depositions and interrogatories), properly bound, indexed, and tabbed. In addition, if counsel proposes to publish exhibits electronically through the multimedia system available in the courtroom, counsel shall submit to chambers a CD-ROM containing the pertinent files (in JPEG or PDF format for images and MPEG format for

audio/video), named according to the corresponding exhibit number assigned to the exhibit in the proposed pretrial order.

All working drafts of documents (e.g., the proposed pretrial order) shall be electronically submitted to chambers, in either WordPerfect (WPD) or Rich Text (RTF) format, through the CyberClerk feature of CM/ECF. Submissions required to be made in a tangible medium (e.g., hard copies of papers and exhibits) shall be sent so as ensure their receipt in chambers by the deadlines set forth herein.

Proposed findings of fact and conclusions of law, together with an accompanying trial brief, shall be due to be filed at a time designated at the final pretrial conference, but tentatively one week in advance of the first day of the trial term (e.g., on or before **15 January 2007**).

Since this is a bench trial, all evidentiary objections and other contested issues of law shall be decided in the course of the trial. Accordingly, no motions *in limine* will be entertained by the Court.

Except as provided herein, the Court's case management order entered 18 November 2002 (as periodically amended) shall remain in full force and effect.

IT IS SO ORDERED.

Signed: November 16, 2006



Frank D. Whitney
United States District Judge

